

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL DONOGHUE and PREMIUM
MORTGAGE CORP.,

Plaintiffs,

-against-

CYNTHIA NOSTRO, DYLAN RANDALL, DAVID
POPHAM and EVERETT FINANCIAL, INC. d/b/a
SUPREME LENDING,

Defendants.

NOTICE OF MOTION

Civil Action No.:
6:20-CV-06100-EAW

BY: Plaintiffs Michael Donoghue and Premium Mortgage Corp.

DATE, TIME AND PLACE OF HEARING: At the United States District Court, Western District of New York, United States Courthouse, 100 State Street, Rochester, New York before the Honorable Mark W. Pedersen at a date, place and time to be determined by the Court.

RELIEF SOUGHT: An Order (1) compelling Defendant EVERETT FINANCIAL, INC. d/b/a SUPREME LENDING (“Supreme”) to respond to Plaintiffs’ First Set of Interrogatories and Requests for Production of Documents; (2) imposing costs and reasonable attorneys’ fees under FRCP 37(a)(5); and (3) for such other and further relief as the Court may deem just and proper.

SUPPORTING PAPERS: Affirmation of Good Faith of Sharon P. Stiller, Esq. in Support of Plaintiffs’ Motion to Compel Discovery, dated November 19, 2021, with attached exhibits; and Memorandum of Law in Support of Plaintiffs’ Motion to Compel Discovery, dated November 19, 2021.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7(a)(1), Plaintiffs intend to file and serve reply papers and, unless a different schedule is ordered by the Court, will do so within seven (7) days after service of papers responsive to this motion.

Dated: November 19, 2021
Rochester, New York

ABRAMS, FENSTERMAN, FENSTERMAN,
EISMAN, FORMATO, FERRARA, WOLF &
CARONE, LLP.

By: /s/ Sharon P. Stiller

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